

REMARKS

Receipt of the Office Action mailed June 8, 2004 is acknowledged. Claims 18 - 20 have been amended to further clarify what applicants regard as the invention and new claims 21 and 22 have been added. Support for the amendment to claims 18 - 20 can be found throughout the specification. For example, support for the amendment to claim 18 can be found at page 1, line 5 and Figure 4. Support for new claim 21 can be found in Figures 8 and 9. Support for new claim 22 can be found at page 1, line 5 and in Figure 4. No new matter is believed to be added. Upon entry of the amendment, claims 18-22 will be pending in the application.

Claims 18 and 19 stand rejected under 35 U.S.C. section 112, second paragraph. Reconsideration and withdrawal of the rejections are respectfully requested. The Office Action asserts that claim 18 is claiming the embodiment shown in Figure 8. Applicants respectfully disagree. While claim 18 is claiming three cavities, the configuration shown in Figure 8 with the center cavity having the smallest diameter is taught in the specification as being preferred, but not required. See the specification at page 15, lines 30-32. Applicants have amended the claims to provide antecedent basis to the objected to terms, without limiting the scope of the claims to the preferred embodiment shown in Figure 8.

With regard to claim 19, the term "a wall" in Claim 18 does not require "that the cavities are all formed from a single wall as shown in Figure 8" as suggested by the Examiner. The specification distinguishes between a multi-chambered probe-tip as in Fig. 8 having a "common wall" (line 10, page 16) and the device of Fig. 9 having removable tip portions. A wall of the probe-tip is not necessarily formed in a continuous manner but could be comprised of removable sections joined together as in Fig. 9 so as to form three separate cavities. Thus, claims 18 and 19 are believed to meet the requirements of section 112, second paragraph and reconsideration and withdrawal of the rejection are respectfully requested.

Claim 18 stands rejected under 35 U.S.C. section 102(b) as being anticipated by Greenfield (U.S. Patent No. 5,891,397). Reconsideration and withdrawal of the rejection are respectfully requested. Claim 18 has been amended to more positively recite that the probe tip will be used on an aspirating probe. Thus, the specific recitation of probe tip adapted to fit onto a probe is in stark contrast to Greenfield who teaches a glass slide enclosure assembly for use with microscopes. Greenfield does not teach or suggest a probe tip as claimed. Moreover, Greenfield fails to teach the glass slide enclosure of the '397 patent "for mixing liquids" as claimed. Greenfield also fails to teach or suggest the feature of the probe-tip of claim 18, that the inside diameters of two adjacent cavities are sufficiently unequal "as to cause rotational mixing of liquids as they move past" a transition zone wall. Thus, Greenfield neither anticipates nor renders obvious the probe-tip as claimed in claim 18.

Claims 19-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Greenfield (U.S. Patent No. 5,891,397). Reconsideration and withdrawal of the rejection are respectfully requested. Applicants submit that Greenfield fails to teach or suggest the claimed invention for the reason set forth above. Namely, Greenfield does not teach or suggest a probe tip that is adapted to fit onto an aspirating probe as claimed. Instead, Greenfield teaches a glass slide enclosure assembly for use with microscopes. Nor does Greenfield does teach or suggest the glass slide enclosure of the '397 patent "for mixing liquids" or the feature that the inside diameters of two adjacent cavities are sufficiently unequal "as to cause rotational mixing of liquids as they move past" a transition zone wall, as claimed in claim 18. The Examiner fails to show motivation for modifying the glass slide enclosure of the '397 patent to have this feature incorporated into its structure. Simply connecting separate molded tube sections "from a plurality of tubes of different sizes connected together" as stated by the Examiner would not have lead one of ordinary skill in the art to produce the probe tip as claimed in claim 19 or 20.

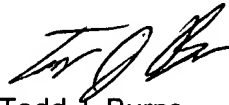
In reference to the further limitation of claim 20, the Examiner asserts that the “diameter of the larger cavity is at least three times as larger [sic] as the smaller cavity” without making reference to a specific figure or discussion in Greenfield. Claim 20 requires that the inside diameters of the three cavities have different values and that the inside diameter of at least one of the **end** cavities is at least equal to three times that of the smallest inside diameter. There is no disclosure or suggestion in the ‘397 patent regarding inside diameters of the various parts of glass slide enclosure device. In Fig. 5, specific geometries of the sections are not provided, and, in fact, the internal diameters of the three sections appear to be identical – not different - as is required for the claimed probe-tips. In Figs. 3 and 4, it is not possible to obtain an accurate measurement of the inside diameter of end piece 30 (the section having the apparent smallest diameter) for comparison to any one of the three or more apparent internal diameters of the rectangular **end** piece (the section of interest vis-a-vis claim 20). Moreover, in Figs 3 and 4, there is no indication of a transition zone between section 30 and section 26 as claimed. There is no teaching or suggestion by Greenfield that transition zones are a requirement or an inherent feature of the glass slide enclosure assembly. In fact, depending upon the physical nature of materials making up Greenfield’s sections 26 and 30 (hard plastic for instance) such transition zones would not be present.

Accordingly, Greenfield fails to render claims 19 and 20 *prima facie* obvious. As such, reconsideration and withdrawal of the rejection are respectfully requested.

The examination of these claims and passage to allowance are respectfully requested. An early Notice of Allowance is therefore earnestly solicited. Applicants invite the Examiner to contact the undersigned at (732) 524-1496 to clarify any unresolved issues raised by this response.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/CDS0255/TJB. This sheet is submitted in triplicate.

Respectfully submitted,



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